

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**

**EXECUTIVE SESSION - MONDAY – NOVEMBER 14, 2005**

**JUDGE WELSH HEARING ROOM**

Chairman Cheryl Andrews called the meeting to order at 5:04 pm noting the following Board of Selectmen members: Cheryl Andrews, Sarah Peake, Michele Couture, Richard Olson  
Excused Absence: David Nicolau

Other attendees: Town Manager Keith Bergman, Acting Assistant Town Manager Michelle Jarusiewicz

Recorder: Sarah Peake

The following are meeting minutes, in brief.

**9A LITIGATION STRATEGY: GAS DOCK**

Town v. NYT Acquisition Corp.

**MOTION**: *Move that the Board of Selectmen vote, to authorize Town Counsel to settle the case of Town of Provincetown v. NYT Acquisition Corp. as set forth in the revised draft settlement agreement and release as amended; and including Counsel's comments as set for in his email of November 8, 2005 at 5:29 PM.*

**Motion by**: Sarah Peake      **Seconded by**: Michele Couture

[Roll Call]

Sarah Peake – Yea                      Michele Couture – Yea  
Richard Olson – Yea                  Cheryl Andrews – Yea

Yea 4    Nay 0    **Motion Passes**

**1B TELECOMMUNICATIONS FACILITY AT WWTP SITE**

Cingular Proposal to Waive Escalator Clause

**MOTION**: *Move that the Board of Selectmen vote, to authorize the Town Manager to accept Cingular's proposal to waive the escalator clause in the lease agreement negotiated with AT&T; and lock in the now current rate of \$3,023,76 per month for said lease.*

**Motion by**: Sarah Peake      **Seconded by**: Michele Couture

[Roll Call]

Sarah Peake – Yea                      Michele Couture – Yea  
Richard Olson – Yea                  Cheryl Andrews – Yea

Yea 4    Nay 0    **Motion Passes**

Motion to adjourn by Michele Couture at 10:35 pm.

Minutes transcribed by: Vernon G. Porter  
November 17, 2005

9A - RELEASED 8-14-06